

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRANDEN JOSEPH MALLOY,

Plaintiff,

v.

MISSOURI DEPARTMENT OF
CORRECTIONS, EASTERN RECEPTION,
DIAGNOSTICS AND
CORRECTIONAL CENTER, et al.,

Defendants.

No. 4:21-cv-00777-JMB


OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis on appeal. (Docket No. 15). When this Court dismissed plaintiff's case, it certified in writing that an appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3) (providing that "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith"). It is not apparent that plaintiff now seeks appellate review of any issue that is not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962) (explaining that "good faith" is "judged by an objective standard," and that it is "demonstrated when [plaintiff] seeks appellate review of any issue not frivolous"). The Court will therefore deny the motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis on appeal (Docket No. 15) is **DENIED**.

Dated this 3rd day of January, 2023.


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE